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 6 Attorneys for Defendants THE BOARD OF TRUSTEES  
 OF THE UNIVERSITY OF ILLINOIS, erroneously sued as  
 7 THE UNIVERSITY OF ILLINOIS-URBANA CHAMPAIGN;  
 and DR. GEORGE GOLLIN

8 **UNITED STATES DISTRICT COURT**  
 9 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

10 ST. LUKE SCHOOL OF MEDICINE;  
 DR. JERROLL B.R. DOLPHIN and  
 11 DR. ROBERT FARMER on behalf of  
 himself and all others similarly situated, as  
 12 applicable,

13 Plaintiffs,

14 v.

15 REPUBLIC OF LIBERIA; MINISTRY OF  
 HEALTH, a Liberian Governmental  
 Agency; MINISTRY OF EDUCATION, a  
 16 Liberian Governmental Agency; LIBERIAN  
 MEDICAL BOARD, a Liberian  
 17 Governmental Agency; NATIONAL  
 COMMISSION ON HIGHER  
 18 EDUCATION, a Liberian Governmental  
 Agency; NATIONAL TRANSITIONAL  
 19 LEGISLATIVE ASSEMBLY, a Liberian  
 Governmental Agency; DR. ISAAC  
 20 ROLAND; MOHAMMED SHERIFF; DR.  
 BENSON BARH; DR. GEORGE GOLLIN;  
 21 EDUCATION COMMISSION FOR  
 FOREIGN MEDICAL GRADUATES; a  
 22 Pennsylvania Non-Profit organization;  
 FOUNDATION FOR ADVANCEMENT  
 23 OF INTERNATIONAL EDUCATION  
 AND RESEARCH; a Pennsylvania Non-  
 24 Profit organization, UNIVERSITY OF  
 ILLINOIS-URBANA CHAMPAIGN, an  
 25 Illinois Institution of Higher Learning;  
 26 STATE OF OREGON, Office of Degree  
 Authorization,

27 Defendants.  
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Case No.: 10-CV-01791 RGK (SHx)

[Honorable R. Gary Klausner]

**NOTICE OF MOTION AND  
 MOTION BY DEFENDANT  
 DR. GEORGE GOLLIN TO:**

- (a) **TO DISMISS (ON  
 GROUNDS OF  
 SOVEREIGN IMMUNITY  
 AND VIOLATION OF  
 RULE 8)**
- (b) **ALTERNATIVELY FOR  
 MORE DEFINITE  
 STATEMENT; AND**
- (c) **TO STRIKE FOR FAILURE  
 TO PLEAD CLASS**

**[FILED CONCURRENTLY WITH  
 MEMORANDUM OF POINTS AND  
 AUTHORITIES; DECLARATION  
 OF MICHAEL D. YOUNG;  
 APPENDIX OF AUTHORITIES;  
 AND [PROPOSED] ORDER]**

**[FRCP 8, 12(b)(1), 12(e), 12(f) & 41(b)]**

DATE: July 26, 2010  
 TIME: 9:00 a.m.  
 COURTROOM: 850

1 TO PLAINTIFFS AND TO THEIR RESPECTIVE COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on July 26, 2010, at 9:00 a.m., or as soon  
3 thereafter as the matter may be heard in Courtroom 850 of the above-entitled Court  
4 located at 255 East Temple Street, Los Angeles, California 90012, before the  
5 Honorable R. Gary Klausner, Dr. George Gollin, will and hereby does move the Court  
6 as follows:

7 1. For an order dismissing plaintiffs' [First Amended] Class Action  
8 Complaint (hereinafter, the "complaint") for lack of subject matter jurisdiction under  
9 the Federal Rules of Civil Procedure<sup>1</sup> 12(b)(1) on the ground that Dr. Gollin has been  
10 sued in his official capacity as an agent of the State of Illinois, and is thus immune  
11 from suit in federal court pursuant to the doctrine of sovereign immunity as expressed  
12 in the Eleventh Amendment to the U.S. Constitution;

13 2. Alternatively, for an order dismissing the complaint under  
14 Rule 41(b) for failure to comply with Rule 8, which requires that the complaint set  
15 forth "a short and plain statement of the claim showing that the pleader is entitled to  
16 relief" [FRCP 8(a)(2)], or, at a minimum, for an order requiring plaintiffs to file a  
17 more definite statement under Rule 12(e), stating against which defendant(s) each  
18 claim is being brought, by whom and on what basis.

19 3. For an order striking any and all class allegations from the  
20 complaint under Rule 12(f) due to plaintiffs' failure to properly allege a class action  
21 and to comply with Local Rule 23-2.

22 This Motion is based upon this Notice of Motion and Motion, the  
23 supporting Memorandum of Points and Authorities, the Declaration of  
24 Michael D. Young, the Appendix of State & Unpublished Authorities, all filed  
25 concurrently herewith, the papers and pleadings on file in this matter, and any such  
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27 <sup>1</sup> All subsequent references to a "Rule" refer to the Federal Rules of Civil Procedure  
28 unless otherwise stated.

1 other written or oral argument as may be presented prior to or at the time of the  
2 hearing on this matter.

3 As set forth in the Declaration of Michael D. Young, this motion is filed  
4 only after making a good faith effort to meet and confer with plaintiffs' counsel,  
5 Thaddeus J. Culpepper, in an effort to resolve this matter without the necessity of a  
6 motion as required by Local Rule 7-3.

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8 DATED: June 22, 2010

Respectfully Submitted

9 MICHAEL D. YOUNG  
10 NICOLE C. RIVAS  
11 **ALSTON & BIRD LLP**

12 /s/

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Nicole C. Rivas  
14 Attorneys for Defendants THE BOARD OF  
15 TRUSTEES OF THE UNIVERSITY OF ILLINOIS;  
16 and DR. GEORGE GOLLIN  
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